

MINUTES

255th Meeting Contractors' Registration and Licensing Board February 09, 2011

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:35 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Arthur Salisbury seconded by Mr. David Caldwell.

(C) The minutes of the 254th meeting were approved on a motion by Mr. Arthur Salisbury and seconded by Mr. David Caldwell. Additionally the statistics from the December and January scheduled meetings were reviewed and approved on a motion by David Caldwell and second by Mr. Arthur Salisbury.

Welcome to the two new Board members appointed in December 2010:

Martin E. Ezeama is the new Public Member; William J. Geddes is the new Contractor Member replacing Mr. Richard Welch as the representative of the Rhode Island Builders Association. The Board extends its gratitude to Mr. Welch who has served on the Board for a number of years and appreciated his great service and dedication over the years.

(D) Court Case Update: Due to a computer malfunction, information was not available to be reported on at this meeting but the report will be heard next month. Christy Hetherington quickly presented to the Board the current trials and appeals.

(E) Consideration of Cases on Appeal and Oral Argument:

1.) 12:40 PM, Registration #5369, Leroy Harris, L J Harris Design Builders,

REVOKED Registration, request for reinstatement. Mr. Harris showed with

his attorney to present to the Board his request last November; however the Board

just had a quorum of eight members and Mr. Edgar Ladouceur had to recuse

himself because of a conflict. As a result of the recusal the Board did not have a

quorum and the matter had to be tabled until the next scheduled meeting which was

today. Mr. Harris was present with his attorney, Walter Manning and the Board

listened to the parties present reasons for reinstatement of registration. Mike Lanni

the Boards chief investigator presented concerns to the Board regarding the

contractors past history and the amount of claims that had

been filed with the

Board. The Revoked registration resulted from the executive director taking

disciplinary action; then at an administrative hearing, because a deposit was taken

without any work being performed the hearing officer Revoked the registration.

Mr. Lanni also explained how some of the claims were dismissed because the

contractor had filed for bankruptcy. The contractor's attorney explained why he

was not responsive to the investigators trying to settle the claims. After much

discussion and Board review of the cases, a motion was made by J.L. Brillion and

second by Ronald Caniglia not to reinstate the registration of Mr. Harris and the

motion carried unanimously. The contractor's registration # 5369 remains

Revoked. Mr. Ladouceur, left the room and recused himself from participating in

this decision because he knew Mr. Harris.

2.) 1:00 PM, Claim #7399 Niquette vs Paolissi, Registration #17913, Robert

Paolissi, Supreme Pool II, exceptions filed by the Respondent.

Both parties

were present and the Respondent presented his exceptions. After questions were

taken by the parties a motion was made by Mr. Edgar Ladouceur to uphold the

decision of the hearing officer, after no one seconded the motion the motion was

withdrawn and a new motion was made by Mr. Edgar Ladouceur to remand the

matter back for a new administrative hearing. Motion was seconded by Mr. Steve

Gianlorenzo and upon the chair calling the motion it carried unanimously.

3.) 1:20 PM, Claim #7252, Haab vs. Psilopoulos, Registration #24661, motion to vacate Final Order. The motion to vacate was filed by the Respondent who failed to attend the meeting; however, the homeowner did attend and presented her reasons to deny the motion to the Board. A motion was made by Mr. J.L. Brillon to Deny the motion to vacate and was seconded by Mr. Steve Gianlorenzo. After some discussion the motion was called by the chair and the vote was unanimous to deny the motion to vacate the Boards Final Order.

4.) 1:40 PM, Claim#7409, DeSalvo vs Woods, Registration #18031, exceptions filed by Respondents attorney. The Board at its February 09, 2011 Board meeting heard the exceptions filed by the contractor's

attorney Forrest Crooks and both parties were present at the appeal. The exceptions filed were reviewed by the Board and the sketch as to where the work was performed was presented by both

parties. Upon much discussion and review of the file and records, the Board

elected to modify the decision of the hearing officer and stay the matter for sixty

days (60) due to weather conditions now. The contractor was asked to hire a third

party roofer to examine the work performed and make sure the roof was installed

to industry standards and that there were no code violations. One of the Boards

members who was not present was suggested as possible expert to review

the work performed. Upon approval from third party and Boards investigator

items, if any cited, would need to be corrected properly and the owner will not be

responsible for any cost incurred for the corrections or the third party inspector.

If every thing is completed to both parties satisfaction and that of the Boards

investigator, the matter will be closed and the fines assessed would be reduced to

\$1,000.00 because of the non- registered subcontractor

violation. If problem

occurs then the matter would go back to the Board and a Final Order would be

issued. Motion was made to this effect by Mr. Paul Brunette and seconded by Mr.

Edgar Ladouceur. Motion carried unanimously.

5.) 2:00 PM, Claim #7432, Hageman vs. Mistofsky, Registration #26504, exceptions filed by the Respondent. At the request of the parties the matter was rescheduled and put on next months agenda.

6.) 2:20 PM, Claim #7383, Angelo vs. Coogan, Registration # 19518, exceptions filed by the homeowner. The Board at its February 9, 2011 Board Meeting, heard the exceptions filed by the CLAIMANT, John Angelo. The RESPONDENT, after notice and opportunity, failed to attend the appeal. The Board, after reviewing the file and evidence submitted at the administrative hearing and listening to the CLAIMANT present his exceptions; on a motion by the chairman and second by the vice-chair; the Board unanimously elected to modify the decision of the hearing officer to reflect an increase of \$3,975 in the amount rendered. This amount was omitted from the calculations. This was reflected in the change from \$14,230.00 to \$18,205.00 which was originally issued. Additionally, the Board decided to increase fines assessed originally from

\$6,000.00 in the original decision, to \$20,000.00 which was based on the

following: \$5,000.00 was assessed for not having a written contract when the value of the contract exceeded \$1,000 pursuant to Rhode Island General Law 5-65-3 (0); \$5,000.00 for not obtaining a permit as required by RIGL 5-65-3 (m); and an additional \$10,000.00 being assessed for improper work pursuant to RIGL 5-65-10 (a) 12; however the \$10,000.00 amount would be waived if the CLAIMANT was paid in full. Therefore: based on the testimony and evidence presented at the administrative hearing, the RESPONDENT, Michael Coogan, registration #19518, shall pay the CLAIMANT, John Angelo, the sum of \$18,205.00. Payment is due in the form of a certified check or money order upon receipt date of this ORDER. Because the RESPONDENT performed work without a valid registration; did not obtain the proper building permits and his workmanship was improper he was assessed a fine in the amount of \$20,000.00, pursuant to Rhode Island General Law 5-65-3 (a) (m) & (0), and 5-65-10 (a) (12);

however \$10,000.00 of this amount will be waived if the
RESPONDENT pays the

CLAIMANT the ORDERED amount. The RESPONDENT'S
Registration

#19518 is hereby SUSPENDED and will not be reissued until
such time as this

ORDER is fulfilled.

EXPUNGEMENTS:

1.) 2:50 PM, Registration #17516, Eddy's Construction, Claims #
3598 &

3614. The request for expungement was heard by the
Board. The contractor

after notice and opportunity for hearing failed to attend; a
motion by

Mr. Edgar Ladouceur and second by J.L. Brillion, the motion
was denied,

unanimously.

2.) 3:00 PM, Registration #18690, Jennefer's Designs, Jennefer
Oughettree,

violation #5114 #1 & #2. The contractor requested that this
matter be postponed

until next month.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 02/09/2011

Registrations:

Number of Registered Contractors	11501
Number of Cards Surrendered	5353
Number of Cards Expired/Lapsed	15690
Number of Cards Invalidated	1057
Number of Cards Suspended	484
Number of Cards Revoked	92

Registration Actions	11/10/2010
-02/09/2011	

Number of New Registered Contractors	169
Number of Renewed Contractors	11332
Number of Cards Surrendered	94
Registrations Invalidated	15
Registrations Suspended	10
Registrations Revoked	6

Claims:

Administrative Appeals	6
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Board Appeals	8		
Address Trace	123		
Awaiting Further Action		32	
		Court	
	588		
Disposed			6075
Final Orders	47		
Hearings	42		
Out of State Services	10	Proposed Orders	92
Under Investigation			121

Total Claims Filed with the Board 7144

Number of New Claims Processed 60

11/10/2010-02/09/2011

Violations:

Action Against Registration	20	
Advertising	3	
Non-Registered Subcontractors		17
Cancelled Insurance		1391
Notice of Hearing	4	
Non-Registered Contractors		821

TOTAL RECORDS

2256

Number of New Violations 176

11/10/2010-02/09/2011

Lapsed Registrations/Never Re-Newed:

January	2010
98	
February	2010
116	
March	2010
131	
April	2010
145	
May	2010
145	
June	2010
155	
July	2010
135	
August	2010
131	
September	2010
107	
October	2010

115

November

2010

72

December

2010

78

January

2011

87

Month

Tickets Issued

Fines

January

0

\$00.00

February

3

\$1,750.00

March

3

\$1,000.00

April

1

\$ 250.00

May

4

\$1,350.00

June

10

\$3,400.00

July

7

\$2,700.00

August	6
\$1,700.00	
September	3
\$ 600.00	
October	1
\$ 100.00	
November	2
\$1,050.00	
December	0
\$00.00	
January	0
\$00.00	

Commercial Roofers: 02/09/2011

Number registered	131
Number surrendered	15
Number invalidated	51
Number suspended	1
Number revoked	0
Pending approval	0

Registration Actions; 11/10/2010-02/09/2011

Number of New Registered Contractors	0
Number of Renewed Roofer Contractors	131

Number of Cards Surrendered	0
Number of Expired/Lapsed	0
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

(G) Old Business:

(1.) Review of regulations, laws and standards, established by sub-committee, report of committees and progress. No meetings on matter and no further progress.

(H) New Business:

(1.) Budget: Restricted receipt account was utilized to purchase new equipment; digital recording device for meetings and computers.

(2.) Computer Software Program Update on Progress (DBR), CAVU; Board has been proceeding and making progress.

(3.) Retention Schedule; Legal counsel discussed with the Board and matter will be given more consideration in the near future.

(4.) Appointments; Two new members were appointed, the Public Member, Martin Ezeama, and the Rhode Island Builders Appointment,

William

Geddes.

(I) Public Comment: None

**(J) Announcements: The next Board meeting is scheduled for
Wednesday**

March 09, 2011 at 12:30 PM Conference

Room “A”, 2nd

Floor, One Capitol Hill, Providence, Rhode

Island.

**(K) Adjournment: A motion was made by Mr. Steve Gianlorenzo
and seconded by Mr.**

J.L. Brillion to adjourn at 3:40 PM.

**Members Present: A. Salisbury, Felix Carlone, S.Carlino, W. Nash,
E. Ladouceur,**

Paul Brunetti, Martin Ezeama, William Geddes,

R.Cardoza. R.

Caniglia, S.Gianlorenzo, JL Brillon, and D.

Caldwell.

Members Absent: E. Anderson, who resigned from the Board and

Tom Furey.

Others Present: George Whalen (Executive Director), Christy Hetherington (Attorney Generals Office, legal counsel), stenographer, staff and parties for appeals and motions.

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board